

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Criminal No. 03-10370-DPW
SCOTT MYERS,)	
)	
Defendant.)	
_____)	

**DEFENDANT'S MOTION FOR DISCLOSURE OF
PROBATION RECORDS**

Defendant Scott Myers, by his attorney, hereby moves this Court to order the Probation Department to provide to defendant all records, reports, logs, clinician's notes, memoranda, and any other documents which relate to the facts underlying the alleged violation of defendant's supervised release. As grounds therefor, defendant states:

1. On December 21, 2006, the Probation Officer filed a petition recommending that defendant's term of supervised release be revoked on the ground that he had violated a special condition of his supervised release. This Court issued a warrant for defendant's arrest on December 26, 2006, and defendant was arrested and had an initial appearance before Magistrate Judge Collings on January 4, 2007, at which time a preliminary and detention hearing was scheduled for January 8, 2007.

2. At the hearing on January 8, 2007, defendant was released pending the January 16, 2007, hearing on condition that

he reside at the Lake Shore Sober House in Falmouth, Massachusetts, and abide by all the rules of the sober house.

3. The petition filed by the Probation Officer alleges that defendant violated the special condition that required him "to participate in inpatient treatment at Gosnold for a period of 90 days and shall observe the rules of that facility." It further alleges that he violated this condition by committing a series of infractions of the rules of Miller House, the transitional living component of the Gosnold program.

4. Prior to the preliminary hearing, the undersigned requested that the Probation Officer provide him with all documentation, including contemporaneous reports and logs, upon which the factual allegations of the petition were based. In response, the Probation Officer furnished the undersigned with a copy of a memorandum from Warren Robinson, a counselor at Miller House, dated December 21, 2006, which summarizes the alleged infractions of Miller House rules by defendant over the preceding month. However, the Probation Officer stated that, although he had additional records documenting the factual allegations of the petition he was unable to furnish them to defendant without a court order.

5. The records requested herein are necessary to enable defendant to adequately prepare for the final revocation hearing on his supervised release.

WHEREFORE, defendant prays that this Court order the Probation Department to furnish him with all records which relate to the facts underlying the allegations of the petition for the revocation of his supervised release.

SCOTT MYERS,
By his Attorney,

/s/Jonathan Shapiro
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Certificate of Service

I hereby certify that this document(s) filed through the ECT system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 10, 2007.

/s/Jonathan Shapiro